

Texas, entitled "An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, operate and maintain a public municipal auditorium upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from public square to public municipal auditorium," so as to grant to the City of Austin for ninety-nine years the said land for a municipal auditorium and market, to hereafter read as follows, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the official and public designation upon the original plat of the City of Austin, Texas, made in A. D. 1839, of the block of ground in the City of Austin, Texas, bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin, Texas, be and the same is hereby changed from public square to public municipal auditorium and market square.

Sec. 2. That the State of Texas hereby cedes and grants to the City of Austin the plot or square of land described in Section 1 of the Act for a period of ninety-nine years from the taking effect hereof, and said city, through its municipal authorities, be and the same is hereby authorized and empowered to establish, operate and maintain upon said block bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, a municipal auditorium and market, in which auditorium, theatres, operas, concerts, lectures, fairs, shows and public exhibitions and entertainments generally can be conducted with or without pay; and in this market all kinds of produce may be bought and sold, either in the open square or in a market house constructed thereon; provided, however, that the State does not by this Act part with any title, color of title or interest which it now owns in the property described in this bill, except as granted herein. In the event, however, the City of

Austin should fail to use the plot of land described herein for the purpose or purposes designated, the same shall revert to the State as upon breach of condition subsequent.

Sec. 3. The crowded condition of the business before the Special Session and the fact that only a few days remain for legislative business, create an emergency requiring the suspension of the constitutional rule requiring that the bill shall be read on three several days, and said rule is accordingly suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas.

Thursday, May 10, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent—Excused.

Alderdice.	McCollum.
Hall.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Johnson of Hall.

#### Petitions and Memorials.

See Appendix.

#### Committee Reports.

See Appendix.

**Bills Signed.**

The Chair, Lieutenant Governor Hobby, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 20, A bill to be entitled "An Act to create a common county line school district to be known as the Bethel District No. 34, to be under the jurisdiction, management and control of the commissioners court, Stonewall County, Texas; to be composed of territory described in this Act lying in the counties of Stonewall and Jones in this State, and defining the rights, powers and privileges of such district and declaring an emergency.

S. B. No. 24, A bill to be entitled "An Act validating all elections held under and by virtue of petitions, orders of commissioners courts, and the posting of notices thereof under the provisions of Section 8, Chapter 169, Acts of the Regular Session of the Thirty-third Legislature, where such petition, orders and notices were filed, made and posted prior to the taking effect of Committee Substitute Senate Bill No. 108, and the election held therein was held subsequent to the taking effect of Committee Substitute Senate Bill 108, enacted at the Regular Session of the Thirty-fifth Legislature, and approved by the Governor on March 6, 1917; providing that the Act shall in no wise alter, affect, abrogate or in any way abridge the rights of the Livestock Sanitary Commission of the State of Texas under such Committee Substitute Senate Bill No. 108; and declaring an emergency."

**Messages from the Governor.**

Here the following messages from the Governor were received and laid before the Senate:

Governor's Office,  
Austin, Texas, May 10, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Senator C. R. Buchanan I submit for your consideration a bill, hereto attached being an Act to amend Article 7305 of the Revised Statutes of Texas of 1911 so as to include among the counties exempted from the provisions of

Articles 7256 to 7304, inclusive, the counties of Ector and Martin.

And at the request of Honorable B. F. Cadenhead, I submit for your consideration a bill, hereto attached, being an Act creating the Mercer Gap Common School District in Comanche County; and

An Act to amend Section 13 of the Comanche County Road Law, regarding the compensation of the commissioners of said county; and

An Act defining the boundary line of Briar Grove Common School District No. 12, in Comanche County, and creating said Comanche School District according to such lines.

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

Governor's Office,  
Austin, Texas, May 10, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Senator W. D. Suiter and Honorable J. B. Lee, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Section 7, Chapter 6, of the Special Laws passed at the Regular Session of the Thirty-fourth Legislature, 1915, as amended by an Act passed at the Regular Session of the Thirty-fifth Legislature, 1917, and entitled an Act to create a more efficient road system for Wood County, etc.

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

Governor's Office,  
Austin, Texas, May 10, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Honorable Eugene De Bogory, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Section 1, Chapter 52 of the General Laws of the Thirty-fifth Legislature, so as to provide for the holding of four terms of court in Taylor County, Texas.

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

**Bills and Resolutions.**

By Senator Suiter:

S. B. No. 60, A bill to be entitled

"An Act to amend Section 7, Chapter 6, of the Special Laws passed at the Regular Session of the Thirty-fourth Legislature, 1915, as amended by an Act passed at the Regular Session of the Thirty-fifth Legislature, 1917, and entitled an Act to create a more efficient road system for Wood County, etc., providing a salary to be paid commissioners when acting as road commissioners, and further providing that this Act shall be cumulative of the general law and special road laws of Wood County, and especially of the other provisions of said Act passed at the Regular Session of the Thirty-fifth Legislature, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Buchanan of Scurry.

S. B. No. 61, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of Texas of 1911, as amended by Chapter 114, Laws of the Regular Session of the Thirty-fifth Legislature relating to the inspection of hides and animals, so as to include among the counties exempted from the provisions of Articles 7256 to 7304 inclusive the Counties of Ector and Martin."

Read first time and referred to Committee on Stock and Stock Raising.

#### Senate Concurrent Resolution No. 14

Whereas, the war department contemplates the organization of an army of one million men for service in the war, and

Whereas, by reason of the climatic conditions in Texas and by reason of the fact that we have at San Antonio the most important military post in the country, thus affording all the facilities for mobilizing and training large bodies of men;

Therefore be it resolved by the Senate, the House concurring, that we request our congressmen and senators to urge the war department to consider the establishment of a central mobilization camp at Fort Sam Houston, Texas.

Be it further resolved, that a copy of this resolution be sent to each of our congressmen and senators in Washington.

HARLEY.

The resolution was read and adopted.

#### Simple Resolution No. 30.

The sincere thanks of every member of this Senate, including employees of this body, are hereby tendered to the citizens of Austin for the splendid entertainment given us at Lake Austin, on the evening of May 9. The entire program was a brilliant success. Hon. Jno. L. Peeler is a prince as master of ceremonies. Notwithstanding the inclemency of the weather the occasion is one not to be forgotten, for joy reigned supreme, and happiness sat enthroned on every heart, and flapped them with her wings.

SMITH.

The resolution was read and adopted.

Morning call concluded.

#### Senate Bill No. 35.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 35, A bill to be entitled "An Act authorizing the commissioners' court of any county in Texas, at any time while a state of war exists between the United States and another nation or nations, to confirm the appointment by the sheriff of said county of any number of deputy sheriffs deemed necessary by the court, and to make provision for compensation of all deputies so confirmed, in all instances where revenues from fees of said sheriff's office are deemed by the court insufficient for such purpose."

The committee report, with amendments, and that the bill be printed in the Journal only, was adopted.

Senator Clark offered the following amendment, which was read and adopted:

(1) Amend the bill by adding after the word "county" at the end of Section 2, the following: "Provided that no person shall be appointed a deputy sheriff, under the provisions of this Act, who is not a bona fide citizen of the United States of America and the State of Texas."

Senator Page offered the following amendment which was read and adopted:

(2) Amend the bill by adding at the end of Section 3 the following: "Provided that the number of deputies appointed under this Act shall never exceed one for each three thousand of population of said county and provided further, that the number of deputies appointed under this Act shall not exceed twenty-five in any county in this State."

Senator Lattimore offered the following amendment:

Amend the bill Section 1, line 3 of Senate Bill No. 35 by inserting after the word "nation" the following words "of North America".

The amendment was lost.

Senator Bailey offered the following amendment which was read and adopted:

(3) Amend the caption by striking out the words "any number of" and inserting the word "such" in lieu thereof and inserting after the word sheriff the words "as are."

Senator Page offered the following amendment, which was read and adopted:

(4) Amend the bill by adding at the end of Section 1: "Provided that any action taken or order made by the commissioners' court under this Act must be by unanimous vote of said court."

The bill was read second time and passed to engrossment by the following vote:

Yeas—18.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Harley.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Woodward.

Nays—6.

Dayton.	Johnson of Hall.
Dean.	Lattimore.
Decherd.	Westbrook.

Absent.

Floyd.	Henderson.
Gibson.	Smith.

Absent—Excused.

Alderdice.	McCollum.
Hall.	

#### Reasons for Vote.

I vote "nay" because the sheriff now has authority to appoint deputies in emergencies, and also because this bill will give the sheriff power which he might abuse by appointing special friends as deputies and saddle on the counties an unnecessary expense.

DECHERD.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 35 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Henderson.

Absent—Excused.

Alderdice.	McCollum.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed by the following vote:

Yeas—21.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Woodward.
Hudspeth.	

Nays—6.

Dayton.	Johnson of Hall.
Dean.	Lattimore.
Decherd.	Westbrook.

Absent.

Harley.

## Absent—Excused.

Alderdice. McCollum.  
Hall.

Senator Bailey moved to reconsider the vote by which Senate Bill No. 35 was passed and table the motion to reconsider.

The motion to table prevailed.

## Senate Bill No. 39.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 39, A bill to be entitled "An Act making appropriations for deficiencies in appropriations made for the support of the Texas School for the Blind, for the fiscal year ending August 31, 1917, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 39 put on its third reading and final passage by the following vote:

## Yeas—25.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Gibson.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

## Absent.

Floyd. Henderson.  
Harley.

## Absent—Excused.

Alderdice. McCollum.  
Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Hudspeth, was passed by the following vote:

## Yeas—23.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Strickland.
Decherd.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

## Absent.

Floyd. Henderson.  
Gibson. Smith.  
Harley.

## Absent—Excused.

Alderdice. McCollum.  
Hall.

(President Pro Tem, Suiter in the chair.)

## Simple Resolution No. 35.

(By unanimous consent.)

The Chair laid before the Senate S. R. No. 35, Limiting debate on amendments to appropriation bills to five minutes to each side.

Senator McNealus offered the following amendment:

Amend the resolution by changing the wording so as to limit debate to "five minutes for each Senator" who may desire to speak on any amendment to the appropriation bills.

By unanimous consent the amendment was withdrawn.

Senator Caldwell offered the following amendment, which was read and adopted:

Amend the resolution by striking out all after the words "five minutes" and insert in lieu thereof the following: "to each Senator, and no Senator shall speak more than once on any amendment, except by unanimous consent."

The resolution as amended was then unanimously adopted.

(Lieutenant Governor Hobby in the chair.)



**Message from the House.**

Hall of the House of Representatives.  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 13, Granting leave of absence to Judge Ben H. Denton.

H. C. R. No. 4, Relating to the construction of a dam along the dividing line between the Nueces Bay and Corpus Christi Bay.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

**Resolution Signed.**

The Chair (President Pro Tem. Suiter) gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following:

S. C. R. No. 13, Granting to the Honorable Ben H. Denton, judge of the Sixth Judicial District of Texas, a leave of absence from the State during the months of July, August and September, 1917.

**House Bill No. 2.**

(Pending.)

The Chair laid before the Senate as pending business on second reading:

H. B. No. 2, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them as follows, to wit: State Orphan Home, Confederate Home, Confederate Woman's Home, Epileptic Colony, Deaf, Dumb and Blind Institution for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanatorium at Carlsbad, State Lunatic Asylum, Southwestern Insane Asylum, North Texas Hospital for the Insane, Training School for Girls, State Hospital for Crippled Children, State Farm Colony for Feeble-Minded, and State Bureau of Child and Animal Protection, and declaring an emergency."

Pursuant to a motion made by

Senator Johnson of Hall and adopted yesterday, the Senate proceeded to consider the bill, one institution at a time.

The State Orphan Home section of the bill was considered and adopted, on motion of Senator Hudspeth.

Senator Westbrook offered the following amendment, which was read and adopted:

(1) Amend the bill on page 7, line 32, by adding "for song books, \$25.00 for 1918-1919;" also by striking out in line 20, page 7, the word "following."

The budget for the Confederate Home as amended was adopted.

The following sections of the bill were considered and, on motion of Senator Hudspeth, the budgets for same were adopted separately:

Confederate Home.

Confederate Woman's Home.

School for the Blind.

Deaf and Dumb Institute.

Epileptic Colony.

H. B. No. 2, pending.

**Senate Bill No. 48—Re-referred.**

(By unanimous consent.)

Senator Bailey moved that Senate Bill No. 48 be withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Civil Jurisprudence.

**Recess.**

At 12:20 o'clock p. m., on motion of Senator Clark, the Senate recessed until 2:30 o'clock today.

**After Recess.**

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

**Excused.**

Senator Floyd for the remainder of today on account of sickness, on motion of Senator Strickland.

**House Concurrent Resolution No. 4.**

The Chair laid before the Senate H. C. R. No. 4, Relating to the con-

struction of a dam along the dividing line between the Nueces Bay and Corpus Christi Bay.

The resolution was read and adopted.

#### Simple Resolution No. 37.

(By unanimous consent.)

Whereas, The death angel has visited the family of the Honorable Otto Wahrmond of San Antonio, a distinguished and honorable member of the House of Representatives, taking from said family the daughter of Colonel and Mrs. Otto Wahrmond, Mrs. Sommers, on last Saturday night; therefore, be it

Resolved, That the Senate of Texas express its condolence and grief to Colonel Wahrmond and his entire family, and that a copy of this resolution be mailed by the Secretary of the Senate to Colonel and Mrs. Wahrmond.

HUDSPETH.  
BEE.

The resolution was read and adopted.

#### Senate Concurrent Resolution No. 15.

(By unanimous consent.)

By Senator Johnston:

Be it resolved by the Senate, the House of Representatives concurring, That the Hon. Reese Tatum, judge of the Sixty-ninth Judicial District of Texas, be and is hereby granted a leave of absence from the State during the months of July and August, 1917.

The resolution was read and adopted.

#### House Bill No. 2.

(Pending.)

Action recurred upon pending business, House Bill No. 2, the eleemosynary appropriation bill, the question being upon the budget for the Deaf, Dumb and Blind Institute for Colored Youths.

Senator Caldwell offered the following, which was read and adopted:

(2) Amend House Bill No. 2, page 26, line 29, by inserting "Dormitory for boys, \$25,000.00 the first year."

CALDWELL.

The budget as amended was adopted.

Consideration of the budget for the State Institute for the Training of Juveniles was taken up.

Senator Buchanan of Bell offered the following amendment:

Amend House Bill No. 2, page 28, line 32, by striking out the amount of "\$25,000.00" and insert in lieu thereof "\$50,000.00."

Senator Hudspeth moved to table the amendment.

The motion prevailed.

On motion of Senator Dean, the portion of House Bill No. 2 relating to the State Institute for the Training of Juveniles was adopted.

The State Tuberculosis Sanatorium.

Senator Hudspeth offered the following amendment, which was read and adopted:

(3) Amend House Bill No. 2 by striking out lines 17, 18, 19 and 20 and the item \$10,000.00, page 32, and insert in lieu thereof the following: "Nurses' building, including equipment, \$10,000."

"Installation of new pumping station, including pump, motor, pipe and connections, \$10,000.00."

(Both for the first year.)

On motion of Senator Hudspeth, the portion of House Bill No. 2 relating to the State Tuberculosis Sanatorium was adopted; also relating to the State Lunatic Asylum and the Southwestern Insane Asylum.

On motion of Senator Dean, the portion of the bill relating to the North Texas Hospital for Insane, Terrell, was adopted.

Girls' Training School.

Senator Dayton offered the following amendment, which was read:

(4) Amend House Bill No. 2 by striking out, on page 47, line 26, the following word: "five," and insert in lieu thereof the following: "six."

Senator Hudspeth moved to table the amendment and the motion prevailed.

Senator Dayton offered the following amendment:

Amend House Bill No. 2 by striking out, on page 47, line 26, the following word: "five," and insert in lieu thereof the following: "six."

On motion of Senator Page, the amendment was tabled.

Senator Lattimore offered the fol-

lowing amendment, which was read and adopted:

(4) Amend House Bill No. 2, page 48, line 6, by striking out the figures "\$2,000.00" in each year, and inserting in lieu thereof the figures "\$20,000.00" in each column.

Senator Johnson of Hall offered the following amendment, which was read and adopted:

(5) Amend House Bill No. 2 by striking out lines 14, 22, 23, 24 and 25, page 47, and lines 3, 4, 22 to 28, inclusive, on page 48.

On motion of Senator Johnson of Hall, the portion of House Bill No. 2 relating to the 'Girls' Training School, Gainesville, was adopted, also the portion of the bill relating to the State Hospital for Crippled Children was adopted.

State Farm Colony for the Feeble-Minded.

Senator Henderson offered the following amendment:

Amend the bill, page 52, by striking out all of lines 13 and 14, and insert in lieu thereof the following:

For building, equipping and furnishing central kitchen room, refrigerating plant and home for employers, \$50,000.00

Senator Hudspeth moved to table the amendment, and the motion prevailed by the following vote:

Yeas—18.

Bee.	King.
Clark.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Gibson.	Robbins.
Hopkins.	Smith.
Hudspeth.	Strickland.
Johnson of Hall.	Suiter.

Nays—5.

Buchanan of Scurry.	Westbrook.
Caldwell.	Woodward.
Henderson.	

Present—Not Voting.

Buchanan of Bell.

Absent.

Bailey.	Johnston of Harris.
Harley.	

Absent—Excused.

Alderdice.	Hall.
Floyd.	McCollum.

On motion of Senator Hudspeth, the portion of House Bill No. 2 relating to the State Farm Colony for the Feeble-Minded was adopted.

Senator Caldwell offered the following amendment:

Amend House Bill No. 2 by inserting in Section 1 at the proper place the following:

Texas Bureau of Child and Animal Protection.

	For the years ending	
	Aug. 31,	Aug. 31,
	1918.	1919.

Salary of the Chief State Agent and Secretary . . . . .	\$2,400.00	\$2,400.00
Salary of clerk and stenographer . . . . .	600.00	600.00
Rent of office office furniture, typewriter and other office equipment . . . . .	500.00	300.00
Postage, stationery and incidental expenses . . . . .	300.00	300.00
Extension work of organization, law enforcement, traveling and hotel expenses, incurred while so engaged, and not otherwise . . . . .	1,200.00	1,400.00
Totals . . . . .	\$5,000.00	\$5,000.00

Senator King moved the previous question on the adoption of the amendment, which being duly seconded, the main question was ordered.

The amendment was lost by the following vote:

Yeas—10.

Bee.	McNealus.
Buchanan of Bell.	Parr.
Caldwell.	Robbins.
Henderson.	Smith.
Lattimore.	Woodward.

Nays—12.

Buchanan of Scurry.	Dayton.
Clark.	Dean.



Decherd. King.  
Hopkins. Page.  
Hudspeth. Strickland.  
Johnson of Hall. Westbrook.

Absent.

Bailey. Johnston of Harris.  
Gibson.

Absent—Excused.

Alderdice. Hall.  
Floyd. McCollum.

Pair Recorded.

Senator Suiter (present), who would vote "yea;" Senator Harley (absent), who would vote "nay."

Senator Lattimore offered the following amendments, which were read and adopted, being voted upon separately:

(6) Amend House Bill No. 2 as amended by the report of the Finance Committee so that in lieu of the junk fund clause at the end of each budget wherever same appears in said report the following shall be inserted:

"Provided that of the moneys arising from the sale of what is called junk from said institution, the sum of \$1,000.00 is hereby appropriated for incidentals or repairs for each year, a full and complete account of such expenditures shall be kept by the said institution and filed each year with the Comptroller of Texas. The remainder of said moneys arising from said junk fund to be deposited and spent by the Superintendent of Public Buildings and Grounds, as provided by the General Statutes.

(7) Amend House Bill No. 2, as amended by the report of the Senate Committee on Finance, by adding a new section after Section 2, page 55 of the bill, to be known as Section 2a, which shall read as follows:

Section 2a. It is expressly provided and enacted herein that in no event shall an employe or officer of any State institution herein named be paid any higher salary than fixed by statute, if any, creating or fixing the salary of such employe or officer.

Senator Hudspeth moved the previous question on the adoption of the amendment and the passage of the bill to its third reading, which being duly seconded, the main question was ordered.

The amendment was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Harley. McNealus.

Absent—Excused.

Alderdice. Hall.  
Floyd. McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Hudspeth, was passed finally.

(President Pro Tem. Suiter in the chair.)

#### Message from the Governor.

Here the following message from the Governor was received and laid before the Senate:

Governor's Office,

Austin, Texas, May 10, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Honorable F. M. Gibson, I hereby submit for your consideration a bill, hereto attached, being an Act to create a more efficient road system for Fannin County, Texas.

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

#### Bills and Resolutions.

(By unanimous consent.)

By Senator Gibson:

S. B. No. 62, A bill to be entitled

"An Act to create a more efficient road system for Fannin County, Texas, making county commissioners ex officio road commissioners and providing for their compensation and defining their powers and duties; providing for working hands on public roads, who fail to pay road tax as provided for; providing for working roads by contract if court so determines, providing for county road superintendent at the discretion of the commissioners' court, etc.; repealing all special laws heretofore granted to Fannin County in conflict with the provisions of this Act; granting to Fannin County further powers for the construction, supervision, protection, working, maintenance and care of the public roads of said county, and declaring an emergency."

Read first time and referred to the Committee on Roads, Bridges and Ferries.

#### Messages from the House.

Hall of the House of Representatives.  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 23, A bill to be entitled "An Act creating the Granger Independent School District in the County of Williamson, State of Texas, etc., and providing for an emergency."

H. B. No. 29, A bill to be entitled "An Act to amend Chapter 33 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, by repealing Sections 5 and 11 thereof and adding thereto seven new sections, said chapter being originally 'An Act to create a more efficient road system for Bosque County, in this State, etc.,' and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act creating the Kenedy Independent School District in Karnes County, Texas, etc., and declaring an emergency."

H. B. No. 7, A bill to be entitled "An Act to create the Gorman Independent School District in Eastland County, Texas, including the territory of the Gorman Independent School District as heretofore constituted and other territory adjacent thereto, providing a board of trustees therefor,

vesting said independent school district and board of trustees with all the rights, powers and privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Gorman Independent School District shall continue to act as such until their successors are elected and qualified, in accordance with the General Laws of Texas, validating outstanding indebtedness and transferring same from the Gorman Independent School District to the Gorman Independent School District as hereby created and established, and declaring an emergency."

Respectfully,

BOB BARKER

Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 21, A bill to be entitled "An Act to amend Section 14 of the Special Road Law for Houston County, passed by the Regular Session of the Thirty-fifth Legislature, approved March 8, 1917, so as to make the county road superintendent provided for in said Act ex officio chairman of the board of advisers of all special or bonded road districts in said county that are now organized and such as may hereafter be organized, and to give him an equal vote in said board with any member thereof, and to add Section 14a so as to provide for the election of the members of said boards by the qualified voters of said special road districts, the first election to be held at the time of election of said county superintendent, viz., on July 21, 1917, said board to consist of four members, the first of the same to serve until the next general election for county officers in said county, and then said board to be elected at such general election thereafter, and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act enlarging and establishing the Dayton Independent School District in Liberty County County,

Austin, Texas

Texas, etc., and declaring an emergency."

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 25, A bill to be entitled "An Act creating the Crockett Independent School District in Houston County, Texas, etc., and declaring an emergency."

H. B. No. 35, A bill to be entitled "An Act to create the Dalton Common School District No. 82 of Ellis County, with less than nine square miles of territory, and providing for the government of said district, and declaring an emergency," with engrossed rider.

H. B. No. 48, A bill to be entitled "An Act creating the Cedar Bayou Independent School District in the Counties of Harris and Chambers, State of Texas, etc., and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act creating the Hemphill Independent School District No. 1, in Sabine County, Texas, etc., and declaring an emergency."

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 62, A bill to be entitled "An Act creating the Blooming Grove Independent School District in Navarro County, Texas, etc., and declaring an emergency."

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (President Pro Tem. Suiter) had referred, after their cap-

tions had been read, the following House bills:

H. B. No. 29, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 23, referred to Committee on Educational Affairs.

H. B. No. 7, referred to Committee on Educational Affairs.

H. B. No. 56, referred to Committee on Educational Affairs.

H. B. No. 55, referred to Committee on Educational Affairs.

H. B. No. 21, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 25, referred to Committee on Educational Affairs.

H. B. No. 35, referred to Committee on Educational Affairs.

H. B. No. 48, referred to Committee on Educational Affairs.

H. B. No. 54, referred to Committee on Educational Affairs.

H. B. No. 62, referred to Committee on Educational Affairs.

#### House Bill No. 5.

The Chair laid before the Senate on second reading:

H. B. No. 5, A bill to be entitled "An Act making an appropriation of \$999,000.00 for the fiscal year ending August 31, 1918, to be added to the \$1000.00 appropriated under the provisions of House Bill No. 226, Acts of the Thirty-fifth Legislature, Regular Session, 1917, and to be used under the provisions of said House Bill No. 226, just as if it had been made a part of said appropriation in the first case, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

Senator Buchanan of Scurry offered the following amendment:

Amend House Bill No. 5 by striking out all after the enacting clause and substitute the following: That Section 1, Chapter 80, page 151 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, known as House Bill No. 226, approved March 15, 1917, be amended so as to hereafter read as follows:

Section 1. The appropriation. For the purpose of promoting the country public school interest of the State and of aiding the people in providing adequate school facilities for the education of their children, five hundred thousand dollars (\$500,000.00), or

so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the school year ending August 31, 1918, and five hundred thousand dollars (\$500,000.00), or so much thereof as may be necessary, for the year ending August 31, 1919, to be used in accordance with the provisions of Chapter 80 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session and approved March 15, 1917, in assisting to maintain country schools in this State.

Sec. 2. The fact that this is a Special Session of the Legislature and that about one-half of the constitutional term of such Special Session is now passed and that the calendar is likely to become very much crowded and that it is essential to the rural school interest of the State that this bill be passed creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills shall be read on three several days shall be suspended and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Bee made the point of order that the amendment is not germane; and further, that the amendment is not in compliance with the message from the Governor submitting this subject of legislation, which is limited to the correction of an error in a specified amount.

The Chair stated that he was in doubt and preferred to refer the matter to the Senate for decision.

The point of order was sustained by the following vote:

Yeas—16.

Bailey.	Hopkins.
Bee.	Hudspeth.
Caldwell.	King.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Decherd.	Westbrook.
Gibson.	Woodward.

Nays—7.

Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Robbins.
Johnson of Hall.	Strickland.
Lattimore.	

11—10.

Present—Not Voting.

Johnston of Harris. Sulter.

Absent.

Harley. Henderson.

Absent—Excused.

Alderdice.	Hall.
Floyd.	McCollum.

Senator Buchanan of Scurry offered the following amendment:

Amend House Bill No. 5 by striking out the words "nine hundred and ninety-nine" after the word "of" in line 1 of Section 1, page 80 of the Senate Journal, and write in lieu thereof the following: "Four hundred and ninety-nine."

Senator Clark moved to table the amendment and the motion to table prevailed.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 5 put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Caldwell.	Lattimore.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Gibson.	Strickland.
Hopkins.	Sulter.
Hudspeth.	Westbrook.

Nays—1.

Buchanan of Scurry.

Present—Not Voting.

McNealus. Absent.

Harley. Woodward.

Absent—Excused.

Alderdice.	Hall.
Floyd.	McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed by the following vote:

## Yeas—19.

Bailey.	King.
Bee.	Lattimore.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Gibson.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Westbrook.
Johnston of Harris.	

## Nays—3.

Buchanan of Scurry. McNealus.  
Johnson of Hall.

## Absent.

Henderson.

## Absent—Excused.

Alderdice.	Hall.
Floyd.	McCollum.

## Pairs Recorded.

Senator Decherd (present), who would vote "nay;" Senator Woodward (absent), who would vote "yea."

Senator Buchanan of Bell (present), who would vote "nay;" Senator Harley (absent), who would vote "yea."

Senator Bee moved to reconsider the vote by which House Bill No. 5 was passed and table the motion to reconsider.

The motion to table prevailed.

## Adjournment.

At 6:30 o'clock p. m. Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow.

As a substitute, Senator King moved that the Senate recess until 8 o'clock tonight.

Action recurred upon the longest time first, and the motion to adjourn prevailed.

## APPENDIX.

## Petitions and Memorials.

A numerous signed petition to Senator Caldwell was presented, endorsing the work of the Bureau of Child and Animal Protection and asking for an appropriation for its maintenance.

A protest to the Sunday amusement bill, was sent up, in a telegram to Senator Lattimore.

Senator Suiter offered a numerous signed petition from Upshur County on behalf of the Farmers' Institute work.

## Enrolling Committee Reports.

Committee Room,  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your committee on Enrolled Bills have carefully examined and compared Senate Bill No. 20 and find it correctly enrolled, and have this day at 11:25 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 24 and find it correctly enrolled, and have this day at 11:25 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 13 and find it correctly enrolled, and have this day at 4:20 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

## Engrossing Committee Reports.

Committee Room,  
Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 55 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.



## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 52 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 56 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 28 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 39 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 35 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee, Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 42 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

## Committee Reports.

## Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 23, A bill to be entitled "An Act creating the Granger Independent School District in the County of Williamson, State of Texas; defining its boundaries; and providing for an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman.

## Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 55, A bill to be entitled "An Act enlarging and establishing the Dayton Independent School District in Liberty county, defining its boundaries; providing for a board of trustees, providing for the assumption and refunding by the Dayton Independent School District of the bonded indebtedness of the existing Dayton Independent School District and validating those obligations; repealing all laws in conflict herewith, etc. and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman.

## Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 56, A bill to be entitled "An Act creating the Kenedy Independent School District, known as Kenedy Independent School District, in Karnes County, Texas, and including within its limits the municipal corporation of the city of Kenedy, and declaring an emergency,"

Have had the same under consid-

eration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 62, A bill to be entitled "An Act to create a more efficient road system for Fannin County, Texas, making county commissioners ex officio road commissioners and providing for their compensation and defining their powers and duties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Clark, Smith, Strickland.

Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 43, A bill to be entitled "An Act adding to and making a part of the Reagan Independent School District in Falls County, Texas, including the town of Reagan, certain lands and territory adjoining thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of Texas

of 1911, as amended by Chapter 114, Laws of the Regular Session of the Thirty-fifth Legislature relating to the inspection of hides and animals, so as to include among the counties exempted from the provisions of Article 7256 to 7304 inclusive the Counties of Ector and Martin."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Clark, Chairman; Parr, Dean, Robbins, Buchanan of Bell.

Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 16, A bill to be entitled "An Act to amend Chapter 15, Title 48, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 2815c, to provide for the incorporation of the whole or any part of independent or common school districts into an independent school district constituted by an incorporated city or town, and providing for the assumption by such incorporated city or town of the whole or any part of the bonded indebtedness of such independent or common school district," and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments, and be not printed.

(1) Amend the bill by adding after Section 1 the following:

Section 1a. In all cases where any town or village has heretofore been incorporated or may hereafter be incorporated for free school purposes only and which shall include within the limits thereof any portion or portions of any common school district which has an outstanding bonded indebtedness, then such town or village incorporated for school purposes only shall become bound and liable for the payment of such proportion of the bonded indebtedness of the common school district as the assessed value of the portion of such common school district included within the limits of the district so incorporated for free school

purposes only shall bear to the entire assessed value of the common school district from which the same was taken, as such assessed values are shown upon the last preceding county tax assessment roll; and thereafter such incorporated town or village shall pay either directly or through the officers of such common school district the proportion of the interest and principal of such bonded indebtedness for which it is liable.

(2) Amend the caption by adding after the words "common school district," line 8, the following: "and providing for the assumption by towns or villages incorporated for free school purposes only of any part of the bonded indebtedness of the portion or portions of common school districts included within the town or village so incorporated for free school purposes only."

BAILEY, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 34, A bill to be entitled "An Act providing that the salaries of the Dairy and Food Commissioner, the two Assistant Chemists, the Stenographer and the two Inspectors appointed by the Dairy and Food Commissioner shall be such as is fixed by the general appropriation bill; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

King, Chairman; Strickland, Robbins, Smith, Westbrook, Dayton, Gibson, Lattimore.

By Lattimore.

S. B. No. 34.

A BILL  
To be entitled

An Act providing that the salaries of the Dairy and Food Commissioner, the two Assistant Chemists, the Stenographer and the two Inspectors appointed by the Dairy and Food Commissioner shall be such as may be fixed by

the general appropriation bill; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the salary of the Dairy and Food Commissioner and the two Assistant Chemists, Stenographer and two Inspectors appointed by the Dairy and Food Commissioner, under the provisions of the laws of this State, shall be such as may be fixed by the Legislature in the general appropriation bills enacted for the support of the State government.

Section 2. All laws and parts of laws in conflict herewith are here repealed.

Section 3. The fact that the salaries of the officers herein named, as fixed by the statutes creating such offices, are wholly inadequate creates an emergency and an imperative public necessity, requiring that the constitutional rule that bills be read on three several days be suspended and that this bill be placed upon its final passage and said rule is so suspended and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 47, A bill to be entitled "An Act amending Article 3093, Chapter 4, Title 58, of the Revised Civil Statutes of 1911, of the State of Texas and as amended by Chapter 142, of the Regular Session of the Thirty-third Legislature and by Chapter 55, of the Regular Session of the Thirty-fifth Legislature so as to provide that county attorneys in counties having a population of over 100,000, where there is also a district attorney may appoint on the consent of the county judge not to exceed two assistants in addition to his regular deputies who shall not be required to possess the qualifications prescribed by law for district and county attorneys and fixing their compensation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to re-

port same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

BAILEY, Chairman.

By Bee.

S. B. No. 47.

A BILL  
To be entitled

An Act amending Article 3093, Chapter 4, Title 58, of the Revised Civil Statutes of 1911, of the State of Texas and as amended by Chapter 142, of the Regular Session of the Thirty-third Legislature and by Chapter 55, of the Regular Session of the Thirty-fifth Legislature so as to provide that county attorneys in counties having a population of over 100,000, where there is also a district attorney may appoint on the consent of the county judge not to exceed two assistants in addition to his regular deputies who shall not be required to possess the qualifications prescribed by law for district and county attorneys and fixing their compensation, and declaring and emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3903, Chapter 4, Title 58, of Revised Civil Statutes of 1911 of the State of Texas, and as amended by Chapter 142 of the Regular Session of the Thirty-third Legislature, and by Chapter 55, of the Regular Session of the Thirty-fifth Legislature, be amended so as to hereafter read as follows:

Article 3903. Whenever any officer named in Article 3881 to 3886 shall require the services of deputies or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same; and the county judge shall issue an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said office. The officer applying for appointment of a deputy or assistant, or deputies or assistants, shall make affidavit that they are necessary for the efficiency of the public service, and the county judge may require, in addition, a statement showing the need of such

deputies or assistants; and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. Provided, that in all counties having a population in excess of 100,000 inhabitants, the district attorney of any district, or the county attorney of any county where there is no district attorney (or the county attorney where there is also a district attorney), is authorized, with the consent of the county judge of the county for which such appointment is intended to appoint not to exceed two (2) assistants, in addition to his regular deputies or assistants, the number of deputies or assistants not to exceed two for the entire district, regardless of the number of counties it may contain, which two assistants shall not be required to possess the qualifications prescribed by law for district and county attorneys, and who shall perform such duties as may be assigned to them by the county attorney of such county, or the district attorney of such district, and who shall receive as their compensation one hundred and twenty-five (\$125.00) dollars per month, to be paid in monthly installments out of the funds of the county for which such appointment is made, by warrants drawn on such county funds; and provided, further, that in counties having a population in excess of 100,000, the district attorney in the county of his residence or the county attorney where there is not a district attorney, shall be allowed by order of the commissioners' court of the county where such official resides, as in the judgment of the commissioners' court may be necessary to the proper administration of the duties of such office, not to exceed, however, the sum of fifty (\$50.00) dollars per month. Such amount as may be thus necessarily incurred shall be paid by the commissioners' court upon the affidavit made by the district attorney or the county attorney, showing the necessity of such expense and for what same was incurred. The commissioners' court may also require any other evidence as in their opinion may be necessary to show the necessity of such expenditure but they shall be the sole judge as to the necessity of such expenditure and their judgment allowing same shall be final. The maximum amount allowed



for deputies or assistants for their services shall be as follows, to wit:

First assistant or chief deputy, a sum not to exceed a rate of twelve hundred (\$1200.00) dollars per annum; others not to exceed a rate of nine hundred (\$900.00) dollars per annum.

Provided, however, that in counties having a population of 37,500 to 100,000 inhabitants, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of eighteen hundred (\$1800.00) dollars per annum; heads of each department not to exceed the sum of fifteen hundred (\$1500.00) dollars per annum; others not to exceed a rate of twelve hundred (\$1200.00) dollars per annum.

Provided, however, that in counties having a population in excess of 100,000 inhabitants, as shown by the last scholastic census, the maximum salaries allowed for deputies or assistants for their services shall be as follows:

First assistant or chief deputy, a sum not to exceed a rate of twenty-one hundred (\$2100.00) dollars per annum; heads of each department not to exceed the sum of eighteen hundred (\$1800.00) dollars per annum; others not to exceed a rate of fifteen hundred (\$1500.00) dollars per annum.

The county judge in issuing his order granting authority to appoint deputies or assistants shall state in such order the number of deputies or assistants authorized, but the amount of compensation to be allowed each deputy or assistant shall be fixed by the officer requesting same and shall be paid out of the fees of office to which said deputies or assistants may be appointed and shall not be included in estimating the maximum salaries of the officers. named in Articles 3881 to 3886, such salaries to be paid out of the fees of the office in the following manner: First, out of any current fees collected, and if such fees are not sufficient, then out of any delinquent fees collected and which are due the county after all legal deductions are made and lastly, if there be any balance remaining after the payment of the maximum salary due the officer and the salaries due the deputies.

Section 2. The fact that there is no law in this State authorizing officers of such counties to allow an increase in salary of their clerks and deputies, and in view of the fact that such clerks and deputies are now forced to work for insufficient wages because of the increased cost of living, creates an emergency and an imperative public necessity that the rule requiring bills be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, May 10, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committees on Civil Jurisprudence, to whom was referred S. B. No. 48, A bill to be entitled "An Act to amend Articles 418 and 419, Chapter 1, Title 7, and Article 1161, Title 15, of the Code of Criminal Procedure of the State of Texas, and providing for the appointment of bailiffs for the grand jury, by adding three bailiffs by the district attorney, and not exceeding two bailiffs by the county attorney in counties of over 100,000 population to do such work as he may assign them, prescribing their duties and fixing their compensation; and amending Article 419 as to the duties of bailiffs for the grand jury so as to specify duties of the special bailiffs appointed by the district attorney and county attorney; and amending Article 1161 by making provision for the compensation of the special bailiffs appointed by district attorney and county attorney, and repealing all laws and parts of laws in conflict with this Act or any portion of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed, but be printed in the Journal.

BAILEY, Chairman.

By Bee.

S. B. No. 48.

A BILL  
To be entitled

An Act to amend Articles 418 and



419, Chapter 1, Title 7, and Article 1161, Title 15, of the Code of Criminal Procedure of the State of Texas, and providing for the appointment of bailiffs for the grand jury, by adding to Article 418 a provision for the appointment of not exceeding three bailiffs by the district attorney, and not exceeding two bailiffs by the county attorney in counties of over 100,000 population to do such work as he may assign them, prescribing their duties and fixing their compensation; and amending Article 419 as to the duties of bailiffs for the grand jury so as to specify duties of the special bailiffs appointed by the district attorney and county attorney; and amending Article 1161 by making provision for the compensation of the special bailiffs appointed by the district attorney and county attorney, and repealing all laws and parts of laws in conflict with this Act or any portion of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 418 and 419 of Chapter 1, Title 7, and Article 1161 of Chapter 3, Title 15, of the Code of Criminal Procedure of the State of Texas, be and the same are hereby amended as to hereafter read as follows:

"Article 418. (406) Bailiffs May Be Appointed; Their Oath.—One or more bailiffs may be appointed by the court to attend upon the grand jury, and, at the time of appointment, the following oath shall be administered to each of them by the court, or under its direction: 'You solemnly swear (or affirm, as the case may be) that you will faithfully and impartially perform all the duties of bailiff of the grand jury, and that you will keep secret the proceedings of the grand jury, so help you God.'

"Provided, that in counties containing one hundred thousand population or over, according to the United States census of 1910, in addition to such bailiffs appointed by the court, the district attorney or criminal district attorney in such counties may appoint not exceeding three bailiffs, and the county attorney in such counties may appoint not exceeding two bailiffs, whose duties it shall be to serve process for the grand jury, per-

form investigation and detective work, and perform such other duties as may be assigned by the district attorney or criminal district or county attorney, and such special bailiffs shall be peace officers and empowered to carry arms as such, and shall hold their offices during the pleasure of the district attorney and county attorney, and be removable by him at any time, and said special bailiffs shall receive as their compensation ninety dollars (\$90.00) per month each, payable monthly out of the county funds provided by law for the payment of bailiffs. Provided, however, that such special bailiffs shall not be required to furnish conveyances or houses as now provided for other bailiffs."

Sec. 2. That Article 419, Chapter 1, Title 7, be amended as to hereafter read as follows:

"Article 419. (407) Bailiff's duties.—A bailiff for the grand jury is to obey the instructions of the foreman, to summon all witnesses, and, generally, to perform all such duties as are required of him by the foreman. Where two bailiffs are appointed, one of them shall be always with the grand jury. The special bailiffs appointed by the district attorney or criminal district attorney or county attorney are to perform such duties as may be assigned them, to make such investigations, collect evidence and do such acts as may be required of them by said district attorney or county attorney, and they shall keep secret and not divulge improperly any matter assigned to them."

Sec. 3. That Article 1161 be so amended as to hereafter read as follows:

"Article 1161. (1161). Pay of Bailiffs.—Bailiffs for the grand jury shall receive such pay for their services as may be determined by the district court of the county where the service is rendered; and the order of the court in relation thereto shall be entered upon the minutes, stating the name of the bailiff, the service rendered by him, and the amount of pay allowed therefor; provided, the pay shall not exceed two dollars and fifty cents per day of riding bailiffs during the time they ride, and not exceed one dollar and fifty cents per day for other bailiffs, excepting those special bailiffs appointed by the district attorney or criminal district at-

torney, the compensation of said special bailiffs to be ninety dollars (\$90.00) per month, payable monthly, to each of such bailiffs; and provided further, that the deputy sheriff shall not receive pay as bailiff."

Sec. 4. "The fact that there is now on the statute books no law providing for special bailiffs to do special work for the district attorney in counties containing a population of 100,000 or more, and the growth of population and increased crime in such communities make it necessary to use every means possible to make quick investigation of offenses and bring about quick prosecutions, and make it necessary to have a force of men available to do special work in that connection, and the limited time in which the Legislature will be in session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, May 11, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.

Absent.

Harley.

Absent—Excused.

Alderdice. Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

#### Executive Session.

The Chair announced that the hour, 10:05 o'clock a. m. heretofore set for the Senate to go into executive session, had arrived, and directed the Chamber cleared of all persons not entitled to remain.

In executive session, the Secretary reported to the Journal Clerk, the following appointments by the Governor were confirmed:

Hon. A. L. Robbins of Red River County, appointed March 31, 1917, as district attorney for the Sixth Judicial District of Texas, in place of Hon. J. R. Kennedy, deceased;

Hon. Ben G. Smith of Pecos County, appointed March 27, 1917, as district attorney of the Eighty-third Judicial District of Texas;

Captan Jos. Weikerth of Harris County, appointed April 2, 1917, as branch pilot for the Port of Houston, in place of Captain Allien, deceased;

Captain H. H. Haden of Brazoria County, appointed March 19, 1917, as branch pilot for the mouth of Brazos River;

Hon. Robert M. Liles of Milam County, appointed April 4, 1917, as a member of the State Mining Board, in place of Hon. J. K. Freeman, resigned;

Hon. F. M. Law of Harris County, appointed April 4, 1917, as a member of the board of managers of A. & M. College in place of Hon. Thomas E. Battle, resigned;

Hon. J. Llewellyn of Montgomery County, as judge of the Seventy-fifth Judicial District of Texas, appointed April 13, 1917;

Hon. Dan Harrison of Liberty County, appointed April 13, 1917; as district attorney for the Seventy-fifth Judicial District of Texas;

Hon. Frank Swor of Tarrant County, to be Labor Commissioner of the State of Texas.

#### In the Senate.

(10:30 o'clock a. m.)

#### Petitions and Memorials.

See Appendix.